

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Case No: [17-cv-06748-WHO](#)Case Name: Di-azv. Tesla, Inc.

TRIAL SHEET, EXHIBIT and WITNESS LIST

JUDGE:	PLAINTIFF ATTORNEYS:	DEFENSE ATTORNEYS:
William H. Orrick	Bernard Alexander, Larry Organ, and Cimone Nunley	Tracey Kennedy, Patricia Jeng, and Susan Haines
TRIAL DATE: 9/28/2021	REPORTER:	CLERK:
TIME: 5 hrs, 31 mins 8:01 a.m. to 1:32 p.m.	Debra Pas	Jean Davis

PLF NO.	DEF NO.	TIME OFFERED	ID	REC	DESCRIPTION	PLF TIME	DEF TIME
		8:01 a.m.			Court in session (jurors out); Marconi deposition designations/counter designations discussed. Remaining objections to the Demetri Diaz designations will be sustained. Draft final jury instructions will be posted by the Court later today. Objections, additions, etc. should be filed by Thursday at 3:30 p.m. A jury instructions conference will be conducted after close of testimony on Friday. Ms. Heisen will not be able to appear as scheduled due to the imminent birth of her child. Her testimony will be presented by designation.		
		8:08 a.m.			Court in recess		
		8:28 a.m.			Court in session (jurors present)		
		8:29 a.m.			Defense cross examination of Ed Romero (Kennedy)		40
	296	8:45 a.m.	X	X	Email re Elevator team end of week, 2-19-2016; admitted w/out objection		
	306	9:01 a.m.	X	X	Email re Night Elevator Lead, 3-11-2016; admitted by stipulation		
	308	9:05 a.m.	X	X	Email re Owen Diaz, 3-17-2016; admitted w/o objection		
	312	9:06 a.m.	X	X	Email re Badge Deactivation for Owen Diaz, 3-18-2016; admitted, obj. overruled		
		9:09 a.m.			Plaintiff redirect of Ed Romero (Organ)	13	
		9:20 a.m.			Witness excused		
		9:22 a.m.			Plaintiff direct examination of Wayne Jackson (Alexander)	38	
29		9:27 a.m.	X		Objection to admission sustained; admission denied		

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PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	PLF TIME	DEF TIME
368		9:30 a.m.	X	X	Tesla's Anti-Harassment/Discrimination policy (no date); Admitted by stipulation (Duplicates Exh. 29)		
6		9:31 a.m.			Witness unable to identify		
92		9:44 a.m.	X	X	Kawasaki to Jackson re FWD Diaz re Ramon, 10-18-2015; admitted w/out objection		
74		9:49 a.m.	X	X	Jackson to Gryske Re (redacted), 10-19-2015; Admitted w/out objection		
103		9:50 a.m.	X	X	Garrett to Jackson Re Employee Relations Issue-Tesla, 10-20-2015; Admitted w/out objection		
31		9:52 a.m.	X	X	Garrett email to Marconi Re Ramon threat, 10-20-2015; Admitted w/out objection		
76		9:54 a.m.	X	X	Jackson to Garrett Re Employee Relations issue – Tesla, 10-21-2015; Admitted w/out objection		
		10:00 a.m.			Jurors excused		
		10:00 a.m.			Court cautions counsel regarding duplicate exhibits		
		10:01 a.m.			Court in recess		
		10:20 a.m.			Court in session (jury present) Plaintiff direct examination of Wayne Jackson continues (Alexander)	14	
287		10:22 a.m.	X	X	Email re NextSource Ramon Martinez Status Update and statements of R. Martinez and O. Diaz, 1-25-2016; Admitted by stipulation		
3		10:32 a.m.			Objection to admission sustained; admission denied		
		10:34 a.m.			Defense cross examination of Wayne Jackson (Jeng)		54
	242	10:44 a.m.	X	X	Email re Ramon 10-20-2015; Admitted by stipulation		
	49	10:52 a.m.	X	X	Romero email to Jackson re: Josue email: owen, 10-19-2015; Admitted w/out objection		
	254	10:58 a.m.	X		Email re Rothaj Foster, 11-6-2015; Identified only		

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PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	REC	DESCRIPTION	PLF TIME	DEF TIME
	271	11:04 a.m.	X		Email re Racist effigy & drawing, 1-22-2016; Identified only		
	284	11:06 a.m.	X	X	Email re Racist effigy & drawing, 1-23-2016; Admitted by stipulation		
	272	11:09 a.m.	X	X	Email re Racist effigy & drawing, 1-22-2016; Admitted by stipulation		
	274	11:10 a.m.	X	X	Email re Racist effigy & drawing, 1-22-2016; Admitted by stipulation		
	301	11:20 a.m.	X	X	Email re Owen Diaz and Troy Dennis, 3-2-2016; Admitted w/out objection		
		11:28 a.m.			Plaintiff redirect of Wayne Jackson (Alexander)	5	
		11:33 a.m.			Witness excused		
		11:35 a.m.			Plaintiff direct examination of Jackelin Delgado Smith	19	
		11:54 a.m.			Court in recess		
		12:14 p.m.			Court in session (jurors present) Plaintiff direct examination of Jackelin Delgado Smith continues (Alexander)	18	
		12:32 p.m.			Defense cross examination of Jackelin Delgado Smith (Jeng)		7
		12:39 p.m.			Plaintiff redirect of Jackelin Delgado Smith (Alexander)	6	
		12:45 p.m.			Plaintiff direct examination of Victor Quintero (Alexander)	34	
83		1:09 p.m.	X	X	Quintero to Romero Re Owen, 2-26-2016; Admitted w/out objection		
		1:19 p.m.			Defense cross examination of Victor Quintero (Kennedy)		5
		1:24 p.m.			Plaintiff redirect of Victor Quintero (Alexander)	3	
		1:27 p.m.			Witness excused		
		1:28 p.m.			Jurors excused		
		1:29 p.m.			Anticipated testimony for 9/29 discussed. Defense moves for admission of Exhibit 3 (lawyers directed to meet and confer as to the issue)		
		1:32 p.m.			Court in recess		

Plaintiff Time at start of trial day:	9 hours, 44 minutes
Time Used by Plaintiff 9/28/2021:	2 hours, 30 minutes
Remaining Plaintiff Time:	7 hours, 14 minutes

Defendant Time at start of trial day:	10 hours, 58 minutes
Time Used by Defendant 9/28/2021:	1 hour, 46 minutes
Remaining Defendant Time:	9 hours, 12 minutes